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**APR 03 2003**  
**Technology Center 2100**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Stephen M. REUNING  
Serial No. : 09/897,826  
Filing Date : 03 July 01  
Title : Candidate Chaser  
Group Art : 2175  
Examiner : Samuel RIMMEL, Esq., M.B.A., P.E.

---

5 Commissioner of Patents and Trademarks  
Box Petitions  
Washington, DC 20231

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PETITION

10 Applicants respectfully requests that the Appeal in the  
captioned case be forwarded to the Board of Patent Appeals  
and Interferences without further delay.

STATEMENT OF FACTS

- 15 1. The captioned application is a continuation of parent  
application serial no. 08/984,650. The parent was filed 3  
Dec 1997.
2. On concluding the four-year prosecution of the parent  
application, the Examiner agreed that certain subject matter  
20 was patentable over the art of record.
3. Applicant accordingly filed the immediate continuation  
application, claiming this subject matter.
4. These claims were, surprisingly, rejected.
5. Applicant thus filed a Notice of Appeal together with an  
25 Appeal Brief. This was mailed on 19 Nov. 02, and  
acknowledged as received by the Office on 22 Nov. 03. A  
photocopy of the postcard receipt is attached.
6. Since that time, the Appeal sat without further action.

**COPY**

7. Accordingly, I spoke with the Examiner and, on 26 Feb 03, faxed a copy of the Appeal Brief to him. I enclose a copy of the receipt of this facsimile.

5 8. I have still not received any Reply. The M.P.E.P. requires a Reply Brief (if filed at all) be filed within two months of receipt of the Appeal Brief. The two-month deadline expired on 22 Jan. 03. At that time, the file should have been forwarded to the Board for resolution.

10 POINT TO BE REVIEWED

Whether the Appeal must be immediately forwarded to the Board for review.

15 ACTION REQUESTED

Applicant respectfully requests that the pending appeal be forwarded immediately to the Board.

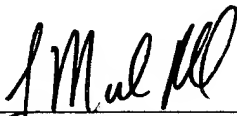
**COPY**

Albert M. FLEISCHNER, Ph.D.  
S.N. 09/832,213  
Filed 11 April 2001

ENCLOSURES

The exhibits discussed and the appropriate fee are enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
Mark POHL Esq., Reg.No. 35,325  
25 March 2003

Pharmaceutical Patent Attorneys, LLC  
55 Madison Avenue, 4th fl. (P 4014)  
Morristown, NJ 07960-6397

Direct ☎ (973) 984-0076  
Mark.Pohl@LicensingLaw.Net

mbc:mp

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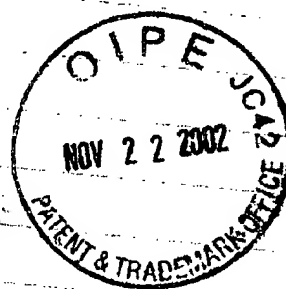
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Diadre

09/897,826

Appeal Notice

Appeal Brief (3 copies w/  
references)



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APR 03 2003

Technology Center 2100

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TRADEMARK OFFICE**

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Fax Information

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Total Pages:

42 (including cover page)

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Cover  
Page

=====&gt;

02/24/2003 09:57 9739846159		REG PATENT ATTORNEYS		PAGE 01	
Please type a plus sign (+) inside the box <input type="checkbox"/>					
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)			Application Number 09/897,826		
			Filing Date 03 July 01		
			First Named Inventor Stephen M. REUNING		
			Group Art Unit 2175		
			Examiner Name Samuel RIMELL, Esq.		
Total Number of Pages in This Submission			Attorney Docket Number Dedic		
<b>ENCLOSURES (check all that apply)</b>					
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Expense Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part of Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Motion to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation of Power of Attorney, Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CO, Number of CO(s)		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appellate Notice, Brief, Reply, etc.) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other (Enclosures) please identify below: Courtesy copy of previously filed Appeal Brief. Please deliver to Examiner RIMELL.	
Remarks					
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>					
Firm or individual name		Pharmaceutical Patent Attorneys, LLC			
Signature					
Date		See below date			
<b>CERTIFICATE OF MAILING</b>					
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as this class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231 on this date: (see below date)					
Typed or printed name		Mark Pohl, Reg. No. 55325			
Signature					
Date		26 Feb 2003			
Enclosure must be retained for 60 days after mailing. This will vary depending upon the needs of the individual class. Any comments on the amount of time you are required to retain this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.					
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PTO/SB/21 (08-00)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/897,826
Filing Date	03 July 01
First Named Inventor	Stephen M. REUNING
Group Art Unit	2175
Examiner Name	Samuel RIMMEL
Attorney Docket Number	Diedre

Total Number of Pages in This Submission

### ENCLOSURES (check all that apply)

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below):<br><br><b>RECEIVED</b><br><b>APR 01 2003</b><br><b>OFFICE OF PETITIONS</b> |
|--|--|---|

Remarks

These papers are being submitted by facsimile with a confirmation copy by First Class Mail.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Pharmaceutical Patent Attorneys, LLC Pohl & Assoc.
-------------------------	---

Signature

Date

See below date

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Typed or printed name Mark POHL, Reg. No. 35,325

Signature

Date 25 March 03

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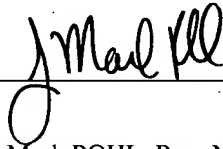
## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
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Date

phone 305-9282  
fax 308-6916



Signature

Mark POHL, Reg. No. 35,325

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

The submitted papers are enumerated on the enclosed Transmittal Form,  
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## FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

### Complete if Known

Application Number	09/897,826
Filing Date	03 July 01
First Named Inventor	Stephen M. REUNING
Examiner Name	Samuel RIMMEL
Group Art Unit	2175
Attorney Docket No.	Diedre

### METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number   
Deposit Account Name

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☐ Check ☒ Credit card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201 370	Utility filing fee	0.00
106	330	206 165	Design filing fee	0.00
107	510	207 255	Plant filing fee	
108	740	208 370	Reissue filing fee	
114	160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

#### 2. EXTRA CLAIM FEES

Total Claims  0 -20\*\* =  0 X  9.00 =  0.00  
Independent Claims  6 - 3\*\* =  3 X  42.00 =  0.00  
Multiple Dependent   =  0.00

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9	Claims in excess of 20
102	84	202 42	Independent claims in excess of 3
104	280	204 140	Multiple dependent claim, if not paid
109	84	209 42	** Reissue independent claims over original patent
110	18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	0.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	0.00
139 130	139 130	Non-English specification	0.00
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	0.00
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	0.00
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	0.00
115 110	215 55	Extension for reply within first month	0.00
116 400	216 200	Extension for reply within second month	0.00
117 920	217 460	Extension for reply within third month	0.00
118 1,440	218 720	Extension for reply within fourth month	0.00
128 1,960	228 980	Extension for reply within fifth month	0.00
119 320	219 160	Notice of Appeal	0.00
120 320	220 160	Filing a brief in support of an appeal	0.00
121 280	221 140	Request for oral hearing	0.00
138 1,510	138 1,510	Petition to institute a public use proceeding	0.00
140 110	240 55	Petition to revive - unavoidable	0.00
141 1,280	241 640	Petition to revive - unintentional	0.00
142 1,280	242 640	Utility issue fee (or reissue)	0.00
143 460	243 230	Design issue fee	0.00
144 620	244 310	Plant issue fee	0.00
122 130	122 130	Petitions to the Commissioner	130.00
123 50	123 50	Processing fee under 37 CFR 1.17(q)	0.00
126 180	126 180	Submission of Information Disclosure Stmt	0.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	0.00
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
179 740	279 370	Request for Continued Examination (RCE)	0.00
169 900	169 900	Request for expedited examination of a design application	0.00

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

### SUBMITTED BY

Name (Print/Type) Mark POHL, Esq.  
Signature

Registration No. 35,325  
(Attorney/Agent)

### Complete (if applicable)

Telephone (973) 984-0076  
Date 25 March 03

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